

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CLIFTON D. COX, JR.,

Plaintiff,

vs.

WAL-MART STORES, INC.

Defendant.

8:05CV473

MEMORANDUM AND ORDER

This matter is before the court on defendant's Motion to Stay all Discovery Deadlines (Filing No. 22), and plaintiff's Motion for Denial of Defendant's Motion to Stay Discovery Deadlines (Filing No. 23). The court will grant defendant's motion.

In plaintiff's response to defendant's motion to stay discovery, the plaintiff attached a copy of his right-to-sue notice from the Equal Employment Opportunity Commission (EEOC) dated July 13, 2005. But this filing was made almost three weeks after the January 6, 2006 deadline the court gave to plaintiff to file his charge submitted to the EEOC and accompanying right-to-sue notice. Furthermore, plaintiff has still failed to file with this court a copy of his charge submitted to the EEOC. The charge is the document that plaintiff filled out and provided to the EEOC detailing his allegations of discrimination. Without a copy of the plaintiff's charge, this court cannot rule on defendant's motion to dismiss.

Therefore, the plaintiff is ordered to show cause why he should not be subject to sanctions, up to, and including, dismissal of his case without prejudice, by filing with the court: (1) a written statement why he has failed to comply with the court's December 12, 2005 Order; and (2) a copy of his charge filed with the EEOC by **February 20, 2006**. If the Plaintiff fails to comply with this Order the plaintiff may be subject to sanctions up to dismissal of his case without prejudice.

THEREFORE, IT IS ORDERED:

1. Defendant's Motion to Stay all Discovery Deadlines (Filing No. 22) is granted;
2. Plaintiff's Motion for Denial of Defendant's Motion to Stay Discovery Deadlines (Filing No. 23) is denied;

3. By **February 20, 2006** the plaintiff shall file with the court: (1) a written statement explaining why he failed to comply with the court's order; and (2) a copy of his charge submitted to the EEOC;
4. The parties will recommence discovery after plaintiff complies with this Order.

DATED this 30<sup>th</sup> day of January, 2006.

BY THE COURT:

s/ F. A. Gossett  
United States Magistrate Judge